

A Different Kind of Jail

When parents are in prison, kids face their own trials.
Now states are stepping in.



BY KATHERINE MASON AND
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Every night, the 8-year-old would set his mother's makeup and hairbrush by his bed. He'd go to sleep, and in the morning the maternal tableau would make him think, just for a moment, that his mom was waiting in the room next door for him to wake up.

But she wasn't. She was in prison in Arkansas, a 17-hour drive from where the youngster lived with his grandfather in Corpus Christi, Texas.

His experience, or one like it, is shared by nearly 2 million kids in the United States. Since 1991, parents confined in state and federal prisons increased by 79 percent, according to the Bureau of Justice Statistics. Estimates are that incarcerated parents have 1.7 million minor children, accounting for 2.3 percent of all children in the country.

"This population is one of the largest at-risk groups of children," says Dee Ann Newell, a 2006 senior justice fellow of the Soros Foundation, part of a network of foundations that fund research on social issues established by billionaire financier George Soros.

Although no firm data exist, child welfare advocates say these children usually lose contact with parents, suffer financial hardships, and face social, academic and health problems. At least 12 states have set up task forces, encouraged coordination among agencies or considered developing bills of rights. Lawmakers are hoping to keep families together, help parents as they try to make the transition from prison to society, and reduce the likelihood of parents returning to prison.

LACK OF COORDINATION

State criminal justice officials don't intend to hurt kids whose parents are imprisoned, but the policies in many states can have that effect.

When a parent goes to prison, there are big changes for the family. Recent statistics indicate that half of incarcerated fathers live with their children at the time of their arrest. Most

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of those children continue living with their mothers, who end up supporting the family and do most of the parenting alone. When moms end up in prison, children often live with grandparents, other relatives or friends. In cases where neither parents, relatives nor friends can help, foster care families take on the responsibility. Kids in the foster care system may find themselves shuffled among numerous homes.

At least nine states—Hawaii, Illinois, Missouri, New Mexico, Oklahoma, Oregon, Pennsylvania (pending), Vermont and Washington—have turned to a legislative task force to create policies to help these kids. The panels take on one of the fundamental problems of caring for these children: lack of coordination.

They look at how schools, child welfare and criminal justice agencies work with parents, children and others who might end up taking care of the kids. But they often find that each agency focuses on its little piece of the puzzle without collaborating with others. That makes it tough to provide appropriate services.

“One thing that became obvious was that we were already providing a lot of services to these families,” says Washington Representative Mary Helen Roberts after participating in Washington’s Children of Incarcerated Parents Advisory Committee.

Roberts, like other legislators involved in such task forces, realized that many of Washington’s agencies were serving the same families, but did not realize they were doing so because a parent was in prison. Washington’s task force developed into a more specialized advisory committee that includes people from the corrections, health and education departments.

“The oversight committee is trying to find where each of the agencies intersects,” says Roberts.

Each agency reviewed the services it provides and shared the results with the advisory committee, which then developed a list of recommendations. They included creat-

POLICIES AIM TO KEEP PARENTS, KIDS TOGETHER

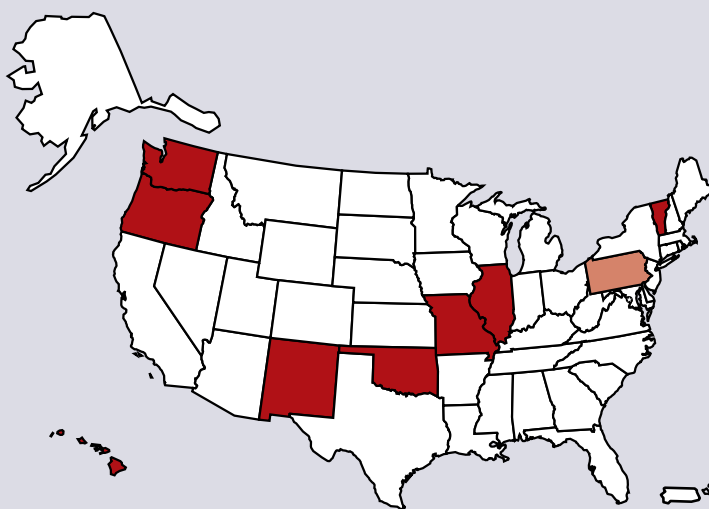
States have adopted policies to protect children when their parents go to prison and encourage them to maintain a relationship with them.

- ◆ California lawmakers created a community treatment program that allows eligible women inmates to keep a child under age 6.
- ◆ California and New Mexico require training for law enforcement officers to ensure a child’s well-being when a parent is arrested.
- ◆ In 2007, Maryland authorized a special leave for some pregnant women and new mothers. Ohio authorized prison nursery programs for women who were pregnant when they went to prison. Since 1930, New York has had a law that allows a newborn to live with his or her mother in a jail or prison for up to one year.
- ◆ Oklahoma requires judges to ask people convicted of a crime if they are single parents and if they’ve made arrangements for their children while in prison.
- ◆ Some states assign inmates to facilities close to home, require child-friendly visiting areas, lower the cost of long-distance phone calls from prison, and review prison visiting policies to remove barriers and encourage regular contact between children and parents.

BILL OF RIGHTS FOR KIDS

Several states have considered bill of rights to cover children whose parents are in prison. Here are some of the the issues identified in those documents.

- ◆ The children’s safety, care and well-being should be the top priority.
- ◆ They have the right to see, touch and talk to their parents while they are in prison if possible.
- ◆ Children have the right to emotional support during their parent’s imprisonment.
- ◆ Children should be kept safe and informed at the time of the parent’s arrest.
- ◆ Children’s wishes should be taken into account about where they will live, go to school and other issues, and when decisions are made about their parents.
- ◆ They should not face judgment, blame or labeling.
- ◆ Children have a right to a lifelong relationships with their parent.



- Have task forces to deal with children of incarcerated parents
- Have task force pending



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ing a state-level policy position to work on issues incarcerated parents face, procedures to gather information about children during parents' court hearings, and a resource center to help families during and after incarceration. There also are new arrest procedures that require police to find out who will take care of the children and, if necessary, take them to a relative or family member so the children are not left at home after the parents are arrested.

INVOLVING THE COMMUNITY

Involving community members makes task forces more effective. Through Hawaii's Children of Incarcerated Parents Task Force, Senator Suzanne Chun Oakland and other legislators have received plenty of information and feedback from people on the front lines. Hawaii's Community Alliance on Prisons, an organization that advocates on behalf of nonviolent female prisoners, is one group that joined the task force. Such organizations see the problems firsthand, and the solutions the task force develops are more practical, Chun Oakland says.

"Developing comprehensive community partnerships helps with creating quality legislation," she says.

As the nation's economic situation grows bleaker, states with task forces still may be able to make changes with existing or limited additional funding. Representative Jason Lorber of Vermont says he has found state employees are happy "to take on additional tasks to serve these families. It's not costing any more.

"Down the line, we may need more staff or have more programs to address," Lorber says. "Currently, we are just trying to say, 'Let's be honest and find out where we are.' "

Vermont has used existing community organizations as springboards to institute policies. For example, the Department of Corrections now must automatically refer



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incarcerated people with children to parenting classes.

"The government takes responsibility for the family when it takes custody of a parent," Lorber says.

CHILDREN'S RIGHTS

More than a dozen states and cities also have used a version of San Francisco's Children of Incarcerated Parents Partnership bill of rights to help guide policymaking.

"The bill of rights is a framework that a lot of folks are using to push legislative initiatives," says Ann Adalist-Estrin, director of the National Resource Center on Children and Families of the Incarcerated. The bill of rights offers guidance on how to treat kids before, during and after their parent's imprisonment.

In its 2008 report to the Legislature, Hawaii's task force recommended a bill of rights similar to the one proposed by the San Francisco agency.

Senator Will Espero championed the successful legislation that set guiding principles to be used by state agencies.



SENATOR
WILL ESPERO
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"It's not about just helping them. We need to pay particular attention to this subset of youth. This population is in the shadows," says Espero.

Roberts encourages other legislators to take up the fight for these children.

"You just need to go for it. It needs to be done, it addresses a strong need, and it fits into a puzzle that makes the community safer, makes kids healthier, and saves states money."